

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF NEW JERSEY**

Dale Ylitalo, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Case No. 2:24-cv-7635-JKS-LDW

Automatic Data Processing, Inc., ADP, Inc.,
and American Century Investments
Services, Inc.,

Defendants.

**DECLARATION OF WILLIAM B. FEDERMAN IN SUPPORT OF MOTION
OF DALE YLITALO FOR APPOINTMENT AS LEAD PLAINTIFF AND
APPROVAL OF COUNSEL**

I, William B. Federman, declare as follows:

1. I am counsel for Dale Ylitalo (“Ylitalo”), movant for Lead Plaintiff. I am the founder and managing partner of Federman & Sherwood, and proposed lead counsel for the class in the above-captioned action. I make this declaration in support of Dale Ylitalo’s Motion for Appointment as Lead Plaintiff and Approval of Counsel. I have personal knowledge of the matters stated herein and, if called upon, I could and would competently testify thereto.

2. Attached hereto are true and correct copies of the following exhibits:

Exhibit A: Notice published in *Business Wire* on July 19, 2024, announcing the pendency of the securities class action against defendants herein;

Exhibit B: Signed PSLRA Certifications of Ylitalo;

Exhibit C: Firm résumé of Federman & Sherwood; and

Exhibit D: Firm résumé of Kantrowitz, Goldhamer & Graifman, P.C.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: September 17, 2024

/s/ William B. Federman
William B. Federman

Exhibit A

Morningstar brands and products ▾

Company ▾

BUSINESS WIRE

Federman & Sherwood Announces Filing of Securities Class Action Lawsuit Against Automatic Data Processing, Inc., ADP, LLC, and American Century Investments Services, Inc.



Provided by Business Wire

Jul 19, 2024 2:05pm

Federman & Sherwood Announces Filing of Securities Class Action Lawsuit Against Automatic Data Processing, Inc., ADP, LLC, and American Century Investments Services, Inc.

Federman & Sherwood announces that on July 9, 2024, a class action lawsuit was filed in the United States District Court in the District of New Jersey against Automatic Data Processing, Inc. (Automatic), ADP, LLC (ADP) and American Century Investments Services, Inc. (ACI) (collectively, Defendants), Case No. 2:24-cv-07635. The Complaint alleges violations of federal securities laws, including Section 12(a)(2) and 15 of the Securities Act, Sections 10(b) and 20(a) of the Exchange Act, 29 U.S.C. § 1106, N.J.S.A. 49:3-71, Florida Deceptive and unfair Trade Practices Act (FDUTPA), including allegations that Defendants engaged in a course of business which operated as a fraud upon the purchasers of ADP's Simple IRAs, during the Class Period, which is July 9, 2021 through July 9, 2024.

Plaintiff seeks to recover damages on behalf of all investors who purchased ADP's Simple IRAs, during the Class Period. You may move the Court no later than Tuesday, September 17, 2024, to serve as a lead plaintiff for the entire Class. However, in order to do so, you must meet certain legal requirements

pursuant to the Private Securities Litigation Reform Act of 1995 (PSLRA).

If you want to discuss this action, obtain further information and participate in this or any other securities litigation, or should you have any questions or concerns regarding this notice or preservation of your rights, please contact:

Tiffany Peintner

FEDERMAN & SHERWOOD

10205 North Pennsylvania Avenue

Oklahoma City, OK 73120

Email to: trp@federmanlaw.com

Or, visit the firm's website at www.federmanlaw.com

Tiffany Peintner

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Exhibit B

SWORN CERTIFICATE OF PLAINTIFFS

I, Dale Ylitalo, certify that:

1. I have reviewed the attached Complaint, adopt its allegations, and authorize the filing of a Lead Plaintiffs motion on my behalf.
2. I did not purchase the securities that are the subject of this action at the direction of plaintiffs' counsel or in order to participate in any private action arising under this title.
3. I am willing to serve as a representative party on behalf of the class and will testify at deposition and trial, if necessary.
4. On August 4, 2023, I, on behalf of my company R4 Construction, LLC, purchased a SIMPLE IRA plan from ADP, Inc. wherein ADP, Inc. agreed to withhold from my paycheck 6.00% of my pay to invest in American Century Investment, LLC's One Choice 2040 Portfolio – R Class, ticker symbol ARDRX.
5. ADP, Inc. withheld from my paycheck 6.00% of my pay and invested the money in American Century Investment, LLC's One Choice 2040 Portfolio – R Class, ticker symbol ARDRX during the Class Period set for in the Complaint as follows (date, buy/sell, amount invested/sold, type of security):

08/17/2023 – Purchased 8.190 shares at \$12.21 per share.

08/31/2023 – Purchased 8.039 shares at \$12.44 per share.

09/14/2023 – Purchased 8.071 shares at \$12.39 per share.

09/28/2023 – Purchased 8.340 shares at \$11.99 per share.

10/20/2023 – Purchased 8.554 shares at \$11.69 per share.

10/26/2023 – Purchased 8.613 shares at \$11.61 per share.

11/09/2023 – Purchased 8.354 shares at \$11.97 per share.

11/24/2023 – Purchased 8.058 shares at \$12.41 per share.

12/07/2023 – Purchased 7.937 shares at \$12.60 per share.

12/21/2023 – Purchased 7.837 shares at \$12.76 per share.

12/21/2023 – Dividend Reinvested, purchasing 1.166 shares at \$12.76 per share.

12/21/2023 – Longterm Capital Gain Reinvested, purchasing 0.168 shares at \$12.76 per share.

01/05/2024 – Purchased 7.905 shares at \$12.65 per share.

01/19/2024 – Purchased 7.843 shares at \$12.75 per share.

02/01/2024 – Purchased 7.728 shares at \$12.94 per share.

02/15/2024 – Purchased 7.686 shares at \$13.01 per share.

02/29/2024 – Purchased 7.634 shares at \$13.10 per share.

03/14/2024 – Purchased 7.570 shares at \$13.21 per share.

03/28/2024 – Purchased 7.446 shares at \$13.43 per share.

6. These purchases are ongoing through the ADP, Inc. SIMPLE IRA.
7. I have not sought to serve, nor served, as a representative party on behalf of a class under this title during the last three years.
8. I will not accept any payment for service as a representative party, except to receive my pro rata share of any recovery or as ordered or approved by the Court, including the award to a representative plaintiff of reasonable costs and expenses (including lost wages) directly relating to the representation of the class.

I declare under penalty of perjury that the foregoing are true and correct statements.

7-5-24

Date


Dale Vitale

Exhibit C

FEDERMAN & SHERWOOD

(An Association of Attorneys and Professional Corporations)

10205 N. PENNSYLVANIA AVENUE
OKLAHOMA CITY, OKLAHOMA 73120
TELEPHONE: 405-235-1560
FACSIMILE: 405-239-2112

212 W. SPRING VALLEY ROAD
RICHARDSON, TEXAS 75081
TELEPHONE: 214- 696-1100
FACSIMILE: 214-740-0112

FIRM RESUME

WILLIAM B. FEDERMAN. Education: Boston University (B.A., cum laude, 1979); University of Tulsa (J.D., 1982); Phi Alpha Delta (Treasurer, 1980-1982). Admitted to practice: United States District Courts for the following Districts: Western, Northern and Eastern, Oklahoma; Eastern, Northern, Southern, and Western, New York; Southern, Northern, Eastern and Western, Texas; Eastern and Western, Arkansas; District of Columbia; District of Colorado; Central and Northern Districts of Illinois; Northern District of Ohio; District of Nebraska; Eastern and Western Districts of Michigan; Eastern District of Wisconsin; United States Court of Appeals for the following Circuits: First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh and Federal; and United States Supreme Court. Lectures/Publications: “Class Actions, New Rules and Data Breach Cases,” 40th Annual OCBA Winter Seminar 2019; “A Case Study of Ethical Issues in Complex Litigation and Trends in Class Certification,” 39th Annual OCBA Winter Seminar, 2018; “Talkin’ About Insurance Coverage and Complex Litigation: What Every Lawyer and Client Should Know,” 38th Annual OCBA Winter Seminar, 2017; “Securities Litigation: Using Data to Make the Case,” by Bloomberg BNA, 2016; “The Changing Landscape for Prosecution of Financial Claims Involving Insolvent Companies” 37th Annual OCBA Winter Seminar, 2016; “Current Status of Securities Class Actions: Where are the Courts Taking Us?” Houston Bar Association, 2014. “Class & Derivative Actions and Securities Litigation,” 2013 Annual Meeting of the American Bar Association; “Litigation and Employment Law Update,” Securities Industry Association Compliance and Legal Division; “Inside a Disclosure Crisis,” 30th Annual Northwest Securities Institute Annual Meeting and sponsored by the Washington Bar Association; “Managing Directors’ Liability,” 3rd Annual Energy Industry Directors Conference and sponsored by Rice University; “Executive Liability - 2009 D & O Market Trends,” Chartis Insurance; “Derivative Actions and Protecting the Corporation – Critical Issues in Today’s Banking,” Oklahoma Bar Association and the Oklahoma Bankers Association; “Arbitration - What Is It? Why Should a Lawyer Suggest or Use It?,” Oklahoma Bar Association; “The Attorney and Accountant as Targets in Failed Financial Institution Litigation,” American Bar Association Trial Practice Committee; “Effective Arbitration in the 1990’s - Adapting to Build a Successful Practice,” Oklahoma County Bar Association; “Current Issues in Direct Investments and Limited Partnerships: The Litigation Scene From All Perspectives,” American Bar Association Litigation Section; “Stockbroker Litigation and Arbitration,” Securities Arbitration Institute. Author: “Who’s Minding the Store: The Corporate Attorney-Client Privilege,” 52 O.B.J. 1244, 1981; “Potential Liability From Indirect Remuneration in Private Oil and Gas Offerings,” 11 Sec. Reg. L.J. 135, 1983; “Capitalism and Reality Meet in the Courts. . . Finally,” 59 O.B.J. 3537, 1987; “Class Actions, New Rules & Data Breach Cases,” Annual OCBA Winter Seminar, 2019. Membership: Arbitration Panel, New York Stock Exchange; Federal Bar Association; Oklahoma County Bar Association (Committee on Professionalism, 1987-1990); Oklahoma Bar Association (Civil Procedure/Evidence Code, Lawyers Helping Lawyers Assistance Program and Rules of Professional Conduct Committees, 2017-2020); American Bar Association (Committee on Securities Litigation and Corporate Counsel); American Inns of Court (Barrister 1990-1993 and Master 2002-2004); inducted into the Outstanding Lawyers of America, 2003; received the Martindale-Hubbell peer review rating of AV Preeminent in both ethical standards and legal ability; recognized as one of the “Top Lawyers of 2013” for excellence and achievements in the legal community; Litigation Counsel of America (Trial Lawyer & Appellate Lawyer Honorary Society). Awards/Honors: Securities Litigation and Arbitration Law Firm of the Year in Oklahoma – 2018 (Global Law Experts Annual Awards); Securities Litigation and Arbitration Law Firm of the Year in Oklahoma – 2019, 2020 (Corporate INTL Magazine); Oklahoma Super Lawyers list by Thomson Reuters – 2019;

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Recognized for Exceptional Service and Outstanding Performance on behalf of the Federal Bar Association (Oklahoma City Chapter) Pro Bono Program – 2018-2019, 2020, Oklahoma Super Lawyer for 2022.

STUART W. EMMONS. (In Memoriam) Education: University of Oklahoma (J.D., 1987, with distinction); University of Oklahoma (B.B.A., Accounting, 1984, with distinction). Admitted to practice: 1987, Oklahoma; 1987, U.S. District Court for the Western District of Oklahoma; 1990, U.S. District Court for the Northern District of Oklahoma; 1992, U.S. Court of Appeals, Tenth Circuit; 1994, U.S. Court of Appeals, Eighth Circuit; U.S. Patent and Trademark Office; 2002, U.S. District Court for the District of Colorado; U.S. District Court for the Southern District of Texas; 2003, U.S. Court of Appeals, Second Circuit; 2004, U.S. District Court for the Northern District of Texas; U.S. Court of Appeals, Fifth Circuit; 2005, United States Supreme Court; 2005 U.S. Court of Appeals, Fourth Circuit; 2015, U.S. Court of Appeals, First Circuit; 2016, U.S. Court of Appeals, Ninth Circuit and U.S. Court of Appeals for the First Circuit. 1988-1989, Law Clerk to the Hon. Layn R. Phillips, U.S. District Court for the Western District of Oklahoma. Published Decisions: *American Fidelity Assurance Company v. The Bank of New York Mellon*, 810 F.3d 1234 (10th Cir. 2016); *Paul Spitzberg v. Houston American Energy Corporation, et al.*, 758 F.3d 676 (5th Cir. 2014); *Patipan Nakkhumpun v. Daniel J. Taylor, et al.*, 782 F.3d 1142 (10th Cir. 2015); Membership: Oklahoma County and Oklahoma Bar Associations.

SARA E. COLLIER. Education: Oklahoma Christian University (B.S. 2000); Oklahoma City University School of Law (J.D., 2004). Admitted to practice: Oklahoma, 2005; U.S. District Courts for the Western, Eastern and Northern Districts of Oklahoma, 2007; U.S. District Court for the Southern District of Texas, 2007, United States Court of Appeals for Veterans Claims in Washington, DC. Membership: Oklahoma Bar Association, American Bar Association. Ms. Collier focuses her practice on shareholder rights and shareholder derivative actions in state and federal courts.

KENNEDY M. BRIAN. Education: University of Central Oklahoma (B.M. in Musical Theater, 2018, cum laude; Minor in Real Estate Finance), University of Oklahoma (J.D., 2021; Dean's Honor Roll; Academic Achievement Award, Trial Techniques; 1L Moot Court Competition Distinguished Speaker Award; American Indian Law Review). Admitted to practice: Oklahoma 2021; U.S. District Court for the Eastern District of Oklahoma, 2022; U.S. District Court for the Western District of Oklahoma, 2022; U.S. District Court for the Northern District of Oklahoma, 2023; U.S. District Court for the Northern District of Texas, 2024; U.S. District Court for the Southern District of Texas, 2024; U.S. District Court for the Eastern District of Texas, 2024. Membership: Oklahoma Bar Association; Federal Bar Association; Junior League of Oklahoma City; Oklahoma County Bar Association. Ms. Brian focuses her practice on complex class action litigation, including consumer and data breach cases in state and federal courts across the nation.

JESSICA A. WILKES. Education: Oklahoma State University (B.S. in Finance, Economics, and Economics, with honors, 2018, magna cum laude), Baylor University School of Law (J.D. 2021, cum laude; Dean's Academic Excellence Full-Tuition Scholarship; Baylor Law Review, Technical Editor & Alumni Relations Coordinator; Research Assistant for Dean and Professors; Baylor Barrister Society; Mock Trial Team; Baylor Public Interest Society; Student Bar Association). Admitted to practice: Oklahoma 2021; U.S. District Court for the Eastern District of Oklahoma, 2021; U.S. District Court for the Western District of Oklahoma, 2021; U.S. District Court for the Northern District of Oklahoma, 2021; 10th Circuit Court of Appeals, 2021; U.S. District Court for the District of Colorado, 2024; U.S. District Court for the Northern District of Texas, 2024; U.S. District Court for the Southern District of Texas, 2024; U.S. District Court for the Eastern District of Texas, 2024. Membership: Oklahoma Bar Association; Friends of Trivera; Junior League of Oklahoma City. Ms. Wilkes focuses her practice on complex class action litigation, including consumer, data breach, and securities cases in state and federal courts across the nation. Ms. Wilkes has experience in and engages in trial and appellate work.

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Prior to joining Federman & Sherwood, Ms. Wilkes actively practiced in litigation for the Oklahoma Attorney General's Office.

TANNER R. HILTON. Education: Texas A&M University (B.S. in Political Science, 2019); Oklahoma City University School of Law (J.D., 2022; Dean's List Spring of 2021; Order of the Barristers; Native American Law Student Association Moot Court Team, 2020-2022; CALI Award for Secured Transactions (2021)). Mr. Hilton graduated from Oklahoma City University School of Law in May of 2022. Admitted to practice: Oklahoma 2023; U.S. District Court for the Western District of Oklahoma, 2024; U.S. District Court for the Eastern District of Oklahoma, 2024; U.S. District Court for the Northern District of Oklahoma, 2024; U.S. District Court for the Eastern District of Texas, 2024; U.S. District Court for the Southern District of Texas, 2024; U.S. District Court for the Northern District of Texas, 2024. Membership: Oklahoma Bar Association, Federal Bar Association, and Order of the Barristers. Mr. Hilton's primary focus is in complex and class action litigation, including federal securities class actions, data breaches, and consumer class actions.

ALEX J. EPHRAIM. Education: University of Colorado – Denver (B.A. Political Science – Public Policy Analysis, 2018, summa cum laude, honor society, dean's list); University of Missouri – Kansas City School of Law (J.D. 2021; Second Century scholarship recipient, mock trial team, dean's list). Admitted to practice: Oklahoma, 2022; U.S. District Court for the Eastern District of Oklahoma, 2022; U.S. District Court for the Western District of Oklahoma, 2022; U.S. District Court for the Northern District of Oklahoma, 2022; U.S. District Court for the Southern District of New York, 2024; U.S. District Court for the Southern District of Texas, 2024; U.S. District Court for the Eastern District of Texas, 2024. Membership: Oklahoma Bar Association, Oklahoma County Bar Association, Federal Bar Association. Mr. Ephraim focuses his practice on complex class action litigation, including securities class actions, data breach, and consumer class actions.

JONATHAN J. HERRERA. Education: Austin College (B.A. in Business and Spanish, 2010, with Honors), University of Oklahoma College of Law (J.D., 2018, with Honors; Dean's Honor Roll, Order of the Solicitors, Hispanic National Bar Association President, 3L Service Award, Moot Court Competition Team Captain, Top Speaker Award). Admitted to practice: Oklahoma 2018. Membership: Oklahoma Bar Association; Oklahoma County Bar Association; Hispanic National Bar Association; OBA Law School Committee; OBA Awards Committee. Mr. Herrera is a transactional attorney whose multi-faceted practice encompasses a broad range of business litigation and disputes, including data breach and consumer class actions. He represents clients in complex business and commercial disputes in state and federal courts and administrative proceedings. Prior to joining Federman & Sherwood, Mr. Herrera practiced Criminal Defense in Oklahoma for over 5 years achieving successful outcomes for clients throughout Oklahoma. Mr. Herrera focused on high profile cases, including sex crimes, drug trafficking, assault and battery, and embezzlement.

OF COUNSEL:

JOHN CHARLES SHERWOOD. Education: Texas Christian University, (BBA, magna cum laude, 1981); Baylor School of Law (J.D., 1984). Areas of Practice: Litigation. Board Certified: Civil Trial Law, Personal Injury Trial Law, Texas Board of Legal Specialization. Organizations: Texas Trial Lawyers, Association of Trial Lawyers of America, Dallas Trial Lawyers Association, Dallas Bar Association, Former Chairperson of the Solo and Small Firm Section of the Dallas Bar Association (1999), Member of the College of the State Bar of Texas and founding President of Citizens For a Fair Judiciary (Political Action Committee). Licenses and Courts of Practice: Member of the State Bar of Texas, National Board of Trial Advocacy, Licensed as a Certified Public Accountant by the Texas State Board of Public Accountancy, admitted to practice before the United States Tax Court, United States District Court, Northern District of Texas, United States Fifth Circuit Court of Appeals, and the United States Supreme

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Court. Papers Presented: *Other People's Money*, Presented to the Dallas Bar Association, Solo and Small Firm Section; Recognition: "Top Attorneys in Texas, Business Litigation," (2012).

JOSHUA D. WELLS. Education: Oklahoma Baptist University (B.A. 2004); Oklahoma City University College of Law (J.D. 2008) (Dean's List, Faculty Honor Roll, OCU American Trial Lawyers Association Moot Court Team, 2008; Staff Member, Law Review, 2006-07; Executive Editor, Law Review, 2007-08). Admitted to practice: Oklahoma, 2008; U. S. District Court for the Western District of Oklahoma; 2009, U.S. District Court for the Eastern District of Oklahoma; 2011, U.S. District Court for the Northern District of Oklahoma; 2012, U.S. Court of Appeals for the Tenth Circuit; 2016, U.S. Court of Appeals, Fourth Circuit. Membership: Oklahoma Bar Association; Federal Bar Association; American Bar Association. Publication: *Stuck in the Mire: The Incomprehensible Labor Law*, 34 Okla. City U.L. Rev. 131 (2009). Experience: Research Assistant to J. William Conger, General Counsel and Distinguished Lecturer of Law, Oklahoma City University and President of the Oklahoma Bar Association (2007-08). General Counsel for Reaching Souls International (2013-2016). Mr. Wells has significant experience in complex and class action litigation in various state and federal courts, with more than a decade of experience protecting consumer and shareholder rights. Mr. Wells knows how to efficiently prosecute complex cases to conclusion and practices in areas of estate planning, probate, and guardianships for both children and adults. He is the recipient of the Federal Bar Association Pro Bono Exceptional Service Award (2019) and is a leader in his church.

PARALEGALS:

SHARON J. KING. Ms. King has worked in the legal community for over twenty years, after having worked in the securities and insurance industry for over fifteen years. She primarily works on insurance and civil litigation.

JANE E. ADAMS. Mrs. Adams has over 25 years of Administrative and Finance experience focusing her career on Human Resources. Additionally, she has first-hand experience with FEMA response as well as government contractual administration.

TIFFANY R. PEINTNER. Mrs. Peintner has worked in the legal community for over fifteen years. Before joining Federman & Sherwood, Mrs. Peintner worked in patent law, oil and gas, probate, banking and real estate, family law, personal injury and insurance defense. She works in securities and civil litigation for the firm.

FRANDELIND V. TRAYLOR. Mrs. Traylor has worked in the legal community for over fifteen years. She provides class action, securities and derivative litigation, and product liability support for the firm.

LACRISTA A. BAGLEY. Ms. Bagley has worked in the legal community for over twenty years. Before joining Federman & Sherwood, Ms. Bagley worked primarily in bankruptcy law that focused on Chapter 11's and corporate liquidations. She has previous experience with estate planning, family law, civil defense, personal injury and medical malpractice. She works in derivatives and civil litigation for the firm.

TASHIA D. POORE. Ms. Poore has worked in the legal community for over fifteen years. Before joining Federman & Sherwood, Ms. Poore worked in complex civil litigation, real estate and transactions, oil & gas, trusts and estate planning, banking and construction law. She works in the areas of data breach, shareholder derivative litigation, securities and complex litigation for the firm.

SELECT CASES WHERE FEDERMAN & SHERWOOD HAS SERVED AS LEAD OR CO-LEAD COUNSEL

CONSUMER CLASS ACTIONS	COURT
Accreditation Commission for Education in Nursing (Data Breach)	USDC Northern District of Georgia
Albany ENT & Allergy	Supreme Courts of the State of New York, Albany County
Altice USA, Inc. (Data Breach)	USDC Southern District of New York
Artech, LLC (Data Breach)	USDC Northern District of California
AssistRx, et al (Data Breach)	USDC Middle District of Florida
AT&T Services Inc.	USDC Northern District of Texas
Avem Health Partners, Inc. (Data Breach)	USDC Western District of Oklahoma
BHI Energy Services	USDC District of Massachusetts
Brinker International, Inc. (Chili's) (Data Breach)	USDC Middle District of Florida
Bryan Cave Leighton Paisner LLP Data Breach Litigation	USDC Northern District of Illinois
Burgerville, LLC (Data Breach)	Circuit Court, State of Oregon, Multnomah County
Carvin Wilson Software, LLC (Data Breach)	USDC District of Arizona
CentralSquare Technologies, LLC (Data Breach)	USDC Southern District of Florida
Christie Business Holdings Company PC (Data Breach)	USDC Central District of Illinois
Colorado Dept. of Health Care Policy & Financing/IBM (Data Breach)	District Court, City and County of Denver, State of Colorado
Dakota Growers Pasta Company, Inc. (Food Mislabeling)	USDC District of Minnesota/District of New Jersey
Dell, Inc. (Data Breach)	USDC Western District of Texas
Filters Fast, LLC (Data Breach)	USDC Western District of Wisconsin
Golden Corral Corporation (Data Breach) (PEC)	USDC Eastern District of North Carolina
Hy-Vee, Inc. (Data Breach)	USDC Central District of Illinois
Intelliheartx (Data Breach) (Executive Lead Counsel)	USDC Northern District of Ohio
Johns Hopkins Health System & Johns Hopkins University (Data Breach) (Interim Lead Counsel)	Circuit Court of Maryland for Baltimore City
Lansing Community College (Data Breach) (PSC)	USDC Western District of Michigan
LeafFilterNorth, LLC/LeafFilter North of Texas, LLC (Data Breach)	USDC Western District of Texas
Lime Crime, Inc. (Data Breach)	USDC Central District of California
Medical Review Institute of America, LLC (Data Breach)	USDC District of Utah
Mednax Services, Inc. (Data Breach)	USDC Southern District of Florida
MedQ, Inc. (Data Breach)	USDC Eastern District of Texas
Mercer University (Data Breach)	USDC Middle District of Georgia
MidFirst Bank and Midland Financial Co. (Data Breach)	USDC Western District of Oklahoma
Morris Hospital (Data Breach)	Circuit Court of the Thirteenth Judicial Circuit Grundy, County, Illinois
In re: Navvis & Company, LLC Data Breach Litigation (Data Breach)	USDC Eastern District of Missouri
OneTouchPoint (Data Breach) (PSC)	USDC Eastern District of Wisconsin
In Re: Orrick, Herrington & Sutcliffe Data Breach Litigation (Data Breach) (Interim Lead Counsel)	USDC Northern District of California
Peachtree Orthopaedic Clinic, P.A. (Data Breach)	Superior Court of Forsyth County, State of Georgia
Physician's Business Office, Inc. (Data Breach)	In the Circuit Court of Wood County, West Virginia
PracticeMax (Data Breach)	USDC District of Arizona
Progressive Casualty Insurance (Data Breach)	USDC Northern District of Ohio
In re: QTC Commercial Services, LLC d/b/a IMX Medical Management Services, LLP Data Breach Litigation (Data Breach)	USDC Eastern District of Pennsylvania
Skidmore College (Data Breach)	USDC Northern District of New York
Smile Brands (Data Breach)	USDC Central District of California
Snap Finance (Data Breach)	USDC District of Utah
Solara Medical Supplies, LLC (Data Breach)	USDC Southern District of California
Sysco Corporation (Data Breach) (PSC)	USDC Southern District of Texas
TD Ameritrade, Inc. (Data Breach)	USDC District of Nebraska
TMX Finance Corporation Services, Inc. (Data Breach) (PSC)	USDC Southern District of Georgia
Wichita State University (Data Breach)	USDC District of Kansas
Yuma Regional Medical Center (Data Breach)	USDC District of Arizona
SHAREHOLDER DERIVATIVE CASES	
Abercrombie & Fitch Company	USDC Southern District of Ohio
American Superconductor Corporation	Superior Court, Commonwealth of Massachusetts
Antares Pharma, Inc.	USDC District of New Jersey
In Re: Archer-Daniels-Midland Company Derivative Litigation	USDC District of Delaware
Arrowhead Research Corporation	Superior Court, State of California, County of Los Angeles
Carrier Access Corporation	USDC District of Colorado
Catalina Marketing Corporation	Chancery Court of the State of Delaware
Cell Therapeutics, Inc.	USDC Western District of Washington
Computer Associates	USDC Eastern District of New York
Delcath Systems, Inc.	USDC Southern District of New York
Dendreon Corporation	USDC Western District of Washington

SELECT CASES WHERE FEDERMAN & SHERWOOD HAS SERVED AS LEAD OR CO-LEAD COUNSEL

Digital Turbine, Inc.	USDC Western District of Texas
Doral Financial Corporation	USDC Southern District of New York
Dynavax Technologies Corporation	Superior Court of the State of California; county of Alameda
First BanCorp.	USDC District of Puerto Rico
Flowers Foods, Inc.	USDC Middle District of Georgia
Genta, Inc.	USDC District of New Jersey
GMX Resources, Inc.	District Court of Oklahoma County, Oklahoma
Great Lakes Dredge & Dock Corporation	Circuit Court of Illinois, Dupage County Chancery Division
Host America Corporation	USDC District of Connecticut
Motricity Inc.	USDC Western District of Washington
NutraCea	Superior Court of Maricopa County, Arizona
Nuverra Environmental Solutions, Inc.	Superior Court of Maricopa County, Arizona
Nyfix, Inc.	USDC District of Connecticut
OCA, Inc.	USDC Eastern District of Louisiana
ONEOK, Inc.	District Court of Tulsa County, Oklahoma
PainCareHoldings, Inc.	USDC Middle District of Florida
Seitel, Inc.	USDC Southern District of Texas
Spectrum Pharmaceuticals, Inc.	USDC District of Nevada
The Spectranetics Corporation	USDC District of Colorado
ValueClick, Inc.	USDC Central District of California
Zix Corporation	USDC Northern District of Texas
SECURITIES CLASS ACTIONS	
Amyris, Inc.	USDC, Northern District of California
Bellicum Pharmaceuticals, Inc.	USDC Southern District of Texas
Broadwind Energy, Inc.	USDC Northern District of Illinois
China Valves Technology, Inc.	USDC Southern District of New York
Cryo-Cell International, Inc.	USDC Middle District of Florida
Delta Petroleum, Inc.	USDC District of Colorado
Direxion Shares ETF Trust	USDC Southern District of New York
Ener1, Inc.	USDC Southern District of New York
Exide Technologies	USDC Central District of California
Galena Biopharma, Inc.	USDC, District of New Jersey
Houston American Energy Corp.	USDC Southern District of Texas
Image Innovations Holdings, Inc.	USDC Southern District of New York
IZEA, Inc.	USDC Central District of California
Motive, Inc.	USDC Western District of Texas
Quest Energy Partners LP	USDC Western District of Oklahoma
Secure Computing Corporation	USDC Northern District of California
Superconductor Technologies, Inc.	USDC Central District of California
UTi Worldwide, Inc.	USDC Central District of California
Unistar Financial Service Corp.	USDC Northern District of Texas
MDL PROCEEDINGS	
In re: Anthem, Inc. (Data Breach-Participating Counsel)	USDC, Northern District of California
In re: Equifax, Inc. (Data Breach-Participating Counsel)	USDC Northern District of Georgia
In re: Farmers Insurance Co.	USDC Western District of Oklahoma
In re: Home Depot, Inc. (Executive Committee)	USDC Northern District of Georgia
In re: Mednax Services Inc. (Data Breach – Co-Lead Counsel)	USDC Southern District of Florida
In re: Premier Blue Cross (Data Breach-Participating Counsel)	USC, District of Oregon
In re: Samsung Electronics America, Inc.	USDC Western District of Oklahoma
DEAL CASES (MERGERS)	
Easylink Services International Corp.	Superior Court of Gwinnett County, Georgia
Genon Energy, Inc.	Chancery Court of the State of Delaware
Lawson Software, Inc.	Chancery Court of the State of Delaware
Network Engines, Inc.	Chancery Court of the State of Delaware
Paetec Holding Corp. Shareholder Litig.	Chancery Court of the State of Delaware
Williams Pipeline Partners, L.P.	District Court of Tulsa County, Oklahoma
Xeta Technologies, Inc.	District Court of Tulsa County, Oklahoma
ERISA LITIGATION	
Winn-Dixie Stores	USDC Middle District of Florida

Exhibit D

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KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. (“KGG”) has a nationwide class action practice and has litigated numerous cases involving complex business litigation, consumer class actions and securities class actions. The firm has litigated a number of cases resulting in reported decisions, including cases of first impression. The firm also has an active personal injury and medical malpractice practice, chaired by Barry S. Kantrowitz, and represents clients in mass tort actions.

GARY S. GRAIFMAN is a partner in the Firm and co-chair of the Consumer Class Action Litigation Group at KGG with Melissa R. Emert. Mr. Graifman specializes in the area of consumer and securities class action litigation. He is admitted to practice before the courts of the State of New York, the State of New Jersey, the United States Federal Courts for the Southern District of New York, the Eastern District of New York, the Northern District of New York, the District of New Jersey, the United States Court of Appeals for the First Circuit, Second Circuit, Third Circuit and the Eighth Circuit. He is also a member of the Class Action Committee of the New Jersey State Bar Association. Mr. Graifman is rated “AV-Preeminent” by Martindale Hubbell and has been nominated by Super Lawyers Magazine as a New Jersey Super Lawyer for 2010-2024. He has been a panelist and speaker on class action issues before various bar organizations including those sponsored by the Class Action Committee of the New Jersey State Bar Association and by the National Employment Lawyers Association, New York Chapter.

A sampling of some of the cases Mr. Graifman has recently been involved in include:

- *In re Volkswagen Timing Chain Products Liability Class Action*, 16-cv-2765 (JLL) (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel in this products liability class action which was settled on a nationwide basis on behalf of the owners and lessees of approximately 477,000 class vehicles. Final approval was granted to the Settlement on December 14, 2018. The Settlement provided one hundred percent reimbursement for timing chain repairs to class members and was valued at approximately \$50 million (inclusive of warranty extension repairs).
- *In re Home Depot Consumer Data Security Breach Litig.*, 1:14-MD-02583-TWT (N.D.Ga.). Mr. Graifman and the Firm served on the five member Plaintiffs’ Steering Committee in this massive data breach consumer class action affecting approximately 50 million consumers which was settled on a nationwide basis in 2016. The settlement was valued at approximately \$27 million. Mr. Graifman obtained valuable witness information and documents demonstrating Home Depot was directly informed of the vulnerability leading to breach, prior to its occurrence. This material information was included in the Master Consolidated Complaint and hastened the settlement of the matter.

- *In re Premera Blue Cross Customer Data Security Breach Litig.* 3:15-md-2633 (D. Ore). Mr. Graifman and the Firm were one of the counsel in the *Premera Blue Cross Customer Data Breach* matter, having done substantial and essential work in the case, which was given Final Approval in early March 2020. The firm's client was the sole named plaintiff and representative for the putative California state subclass. The California subclass asserted a claim under the California Confidential Medical Information Act, Cal. Civ. Code §§ 56, *et seq.* which was sustained by Court on a motion to dismiss. The matter settled and final approval was granted on March 2, 2020. Under the terms of the settlement approved, the California subclass was entitled to additional compensation as a result of the firm's California CMIA claim.
- *Oliver, et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.*, 2:17-cv-12979-CCC-MF (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel on this case which involved defective electric coolant pumps on various BMW model vehicles. The matter settled and Final Approval was granted on March 9, 2021. The class includes approximately 563,227 vehicles. The Settlement is valued at approximately \$30 Million.
- *Coffeng, et al. v. Volkswagen Group of America, et al.*, 3:17-cvb—01825-JD (N.D. Cal.). Mr. Graifman and the Firm serve as Co-Lead Counsel on this consumer class action involving defective water pumps in a multitude of Volkswagen and Audi model vehicles. Final Approval was granted to the settlement on May 14, 2020. The case encompassed a nationwide class of owners and lessees of approximately 873,779 class vehicles and was valued at approximately \$22 million.
- *Chiarelli, et al. v. Nissan, N.A. and Duncan, et al. v. Nissan N.A.*, 14-CV-4327(NGG) (E.D.N.Y.) and 1:16-CV-12120-DJC (D. Mass.), these two companion cases involved multi-state claims concerning defective timing chains on various Nissan model vehicles and involve claims in the states of Massachusetts, New York, Texas, Florida, North Carolina, Maryland, Colorado and Oregon. Final Approval was granted to the settlement on August 25, 2020 before Judge Denise Casper in the U.S. District Court for the District of Massachusetts.
- *Seifi, et al. v. Mercedes-Benz USA, LLC*, 3:12-cv-5495-TEH (N.D. Ca.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to various Mercedes model vehicles due to a balance shaft defect. The action settled on a nationwide basis in 2015, valued at approximately \$25 million.
- *In re Rambus Securities Inc. Litigation.*, 06-c-v4346-JF (U.S. District Ct., N.D. Cal.) Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this securities class action involving allegations of backdating of options. The matter was settled for \$18.33 million and approved on May 14, 2008.
- *Sheris v. Nissan North America, Inc.*, 07-cv-2516 (WHW) (U.S. District Ct., D. New Jersey). Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action against Nissan for alleged brake defect in the 2005 G35x model

vehicle. The Court certified a New Jersey settlement class which involved reimbursement of the cost of brake and rotor replacement up to \$340 per brake replacement.

- *Szymczak v. Nissan N. Am. Inc.* (S.D.N.Y.), Case No. 10-cv-0-7493 (VB) (U.S. District Ct., S.D.N.Y.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to Nissan Pathfinder, Xterra or Frontier vehicles caused by cross-contamination of radiator fluid with transmission fluid seeping into the transmission. The matter was settled with Defendants agreeing to extend the warranty to 100,000 miles or 10 years and pay for the repairs during that extended mileage and time period, subject to certain deductibles that applied. The nationwide class action settlement, which involved approximately 300,000 vehicles was approved by the Court in May 2013. The settlement was valued at approximately \$17 million.
- *Jermyn v. Best Buy Stores, L.P.*, 1:08-cv-00214 (CM) (U.S. District Ct., S.D.N.Y.). Mr. Graifman and the Firm served as Co-Lead Counsel in this litigated consumer class action certified as a New York consumer litigation class by Hon. Colleen McMahon. The class consisted of Best Buy purchasers who were denied price match guarantees by Best Buy. The matter settled on a class-wide basis shortly before trial.
- *Lubitz, et al. v. DaimlerChrysler Corp.*, BER-L-4883-04 (New Jersey Superior Court, Bergen Co.) Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action against DaimlerChrysler Corp. The Court certified a nationwide settlement class and approved a settlement valued at \$14.5 million to owners of Jeep Grand Cherokees, model years 1999 through 2004.
- *In re Trend Micro Class Action Litigation*, Case No. CV 11-02488 (RMW) (U.S. District Ct., N.D. Calif.). Mr. Graifman and the Firm served as Co-Lead Counsel for the class in this consumer class action concerning the failure to provide the remaining time left on current trial subscriptions when the subscriber on the trial subscription converted to a paid subscription. The case was settled in 2013 and Final Approval of the settlement was entered November 15, 2013 by the Court granting subscribers cash refunds or credit towards their future subscriptions and changing the policy of the Company going forward.
- *In re Symantec Class Action Litig.*, 1-05-cv-053711 (Superior Ct. Of State of California, Co. Of Santa Clara) (Komar, J.). Mr. Graifman and the Firm served as Co-Lead counsel in this consumer class action involving the cut-off of subscription time when the subscriber to Norton's anti-virus software renewed or upgraded earlier than the end of the then-current subscription. After the class was certified upon a litigated motion, the matter was settled for a cash payment or a voucher for further use with the anti-virus subscription (at the consumer's option), with the settlement valued in excess of \$5 million.
- *Lowrance, et al. v. Equinox International Corp.*, 2:99-cv-0969 (D.Nev.). Mr. Graifman and the Firm participated in trying a nationwide consumer class action case in the District of Nevada against multi-level marketing company, Equinox, International Corp. through the entire bench trial, and settling the matter on or about the last day of trial before Judge

Johnnie B. Rawlinson, just prior to her elevation to the U.S. Court of Appeals for the Ninth Circuit. The matter was tried with other plaintiffs' counsel, who Mr. Graifman second-seated, and a multi-state Attorney General Task Force and resulted in the liquidation of Equinox and a settlement fund in excess of \$30 million to repay Equinox distributors.

MELISSA R. EMERT, ESQ., has been representing aggrieved stockholders and consumers for more than 30 years. Ms. Emert recently joined KGG after spending most of her career at a national class action firm where she founded and was Co-Chair of its Consumer and Antitrust Class Action Litigation Groups. Ms. Emert's practice focuses on consumer, antitrust and securities class actions. She has litigated cases throughout the United States and held prominent leadership positions in many large multidistrict litigations ("MDLs"). Melissa is a member of the New York State Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Melissa graduated from Brooklyn Law School with a Juris Doctor in 1988 and received a Bachelor of Arts from the State University of New York at Stony Brook in 1985.

Examples of Ms. Emert's nationwide class action experience include:

- Court-appointed Co-Lead Counsel in *Carder v. Graco Children's Products, Inc.*, 2:20-cv-00137-LMM (N.D. Ga. 2021) (alleging state consumer protection and common law claims on behalf of consumers resulting from defendant's defective and allegedly unsafe children's car seat products);
- Court appointed Co-Lead Counsel in *In re: Daily Fantasy Sports Litig.*, 1:16-md-02677-GAO (D. Mass 2016) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers participating in defendants' online fantasy sports websites).
- Court appointed Interim Class Counsel in *In re: Google Location History Litig.*, 5:18-cv-05062-EJD (N.D. Cal. 2019) (a privacy breach action alleging Google tracked millions of mobile device users' geolocation after falsely representing that activating certain settings will prevent the tracking).
- Discovery Committee in a court approved leadership structure in *In re: Rock 'N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, 1:19-md-2903 (W.D.N.Y. 2019) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers who purchased the defective and inherently unsafe Fisher-Price Rock 'n Play Sleeper for their infant children).
- Court appointed member of Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litig.*, 5:18-md-02827 (N.D. Cal. 2018) (claims on behalf of iPhone and iPad users that have been affected by the alleged intentional slowdown of the processors).

DANIEL EDELMAN, ESQ., is an experienced commercial litigator and member of KGG's national Consumer Class Action Litigation Group, representing aggrieved plaintiffs in consumer fraud, data breach, automotive defect, biometric data privacy, and securities and shareholder actions. Mr. Edelman's practice also includes white collar defense, representing companies in governmental and regulatory agency investigations at the local, state and federal levels. Mr. Edelman has represented publicly owned and privately-held companies, including FINRA-member broker dealers,

investment advisors, real estate investment and development companies and construction companies. Mr. Edelman has also represented high net-worth individuals in high profile business and partnership disputes, and also business umbrella organizations and their affiliates in complex commercial litigation. Typical matters include claims for fraud, breach of contract, business torts, defamation, and real estate litigation. As an appellate advocate, Mr. Edelman has authored winning briefs before the New York State Supreme Court Appellate Division and the Second Circuit.

Prior to practicing law, Daniel served as an associate director at CBS News in New York, where he worked for the *CBS Evening News with Dan Rather*, and CBS News Special Events. Daniel received his Juris Doctor from the Benjamin N. Cardozo School of Law and graduated *magna cum laude* from Brandeis University in 1998. Daniel is admitted to practice law before the State Courts of New York and New Jersey, and the United States District Court for the Southern District of New York and District of New Jersey.

WILLIAM T. SCHIFFMAN, ESQ., is a senior associate in the firm of Kantrowitz, Goldhamer & Graifman, P.C. Mr. Schiffman received his J.D. degree from Brooklyn Law School in 1974 and is admitted to practice in New York (1975), Texas (1976), and New Jersey (1981). Mr. Schiffman was Law Clerk to the Honorable Woodrow Seals, United States District Judge, Southern District of Texas from 1974-1977. From 1977-1979, Mr. Schiffman was associated with the law firm of Urban & Coolidge in Houston Texas. Mr. Schiffman's principal practice area was commercial litigation. From 1979 to 1985, Mr. Schiffman was an attorney for AT&T, first in the Long Lines Department in Atlanta, Georgia, and then in company headquarters in New Jersey. Mr. Schiffman's responsibilities were principally in the area of general litigation and the AT&T antitrust litigation prior to divestiture. From 1985 to 1993, Mr. Schiffman was with the law firm of Jacobi & Meyers, first as the managing attorney of several offices, then as New Jersey resident partner in charge of the northern New Jersey offices. From 1993 to date, Mr. Schiffman has been associated with KGG.